

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
DIVISION

Octavian Henderson

(Enter above the full name of the Plaintiff[s]
in this action.)

1:11CV00169LMB

- VS -

Weisman, LC
Shapiro and ~~Weisman~~
S and W. Foreclosure Corp.
Wells Fargo Bank NA
Jeffrey T. Weisman

Case No. _____
(To be assigned by Clerk
of District Court)

Jury Trial Demanded

(Enter above the full name of ALL Defend-
ant[s] in this action. Fed. R. Civ. P. 10(a)
requires that the caption of the complaint
include the names of all the parties. Merely
listing one party and "et al." is insufficient.
Please attach additional sheets if necessary.)

COMPLAINT

- I. State the grounds for filing this case in Federal Court (include federal statutes and/or U.S. Constitutional provisions, if you know them):

Defendants have violated plaintiff's rights that are guaranteed under the United States Constitution Bill of Rights Amendment 14 section 1, Amendment 9, Defendants have violated The Fair Debt Collection Practices Act Section 9 §809. (Disputed Debts) [15 USC 1692g], Fair Debt Collection Practice Section 11 §811 (Legal action by debt collectors) [15 USC 1692i], Section 5 §805 (communication with debt collection) [15 USC 1692c].

II. Plaintiff, Octavian Henderson resides at
1626 Seifert Dr. Poplar Bluff Butler,
street address city county
Missouri 63901 573-712-5017.
state zip code telephone number

(if more than one plaintiff, provide the same information for each plaintiff below)

III. Defendant, Shapiro & Weisman LC lives at, or its business is located at
13801 Riverport Dr. Maryland Heights St. Louis,
street address city county
Missouri 63043.
state zip code

(if more than one defendant, provide the same information for each defendant below)

- S&W Foreclosure Corporation
13801 Riverport Dr. Suite 502
Maryland Heights MO 63043
- Jeffrey T. Weisman
502 Earth City Exprwy Suite 317
Earth City, MO 63045
- Wells Fargo Bank, NA
P.O. Box 5137
Des Moines, IA 50306-5137

- IV. Statement of claim (State as briefly as possible the facts of your case. Describe how each defendant is involved. You must state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved, dates, and places. Be as specific as possible. You may use additional paper if necessary):

On July 10th, 2011 I received a letter 1st class mail from Shapiro & Weisman LC stating (Notice required by The Fair Debt Collections Practice Act [15 USC Section 1692, et seq]) The law firm of Shapiro & Weisman LC has been retained by Wells Fargo Bank NA to initiate proceedings to foreclose on a default loan that I am unaware of. The letter states that The Fair Debt Collections Practice Act entitles me to dispute the debt or any portion thereof within 30 days of the received letter which I have done in a timely manner as well as requesting validation through certified mail. I have not received a response other than duplicate letters from Shapiro & Weisman LC / S & W foreclosure corporation about the sell date of the house. This letter stated that the property at 1026 Seibert Dr. Poplar Bluff, MO 63901 would be sold at auction to the highest bidder on September 1, 2011. This information was also published in the newspaper. I sent Shapiro & Weisman another certified letter on September 25, 2011 there has still been no response. Under the Fair Debt Collection Practices Act, any person or entity including lawyers who regularly attempts to collect consumer debts is considered a debt collector and is therefore required to respond to proper validation request. If a consumer makes a timely request for debt validation and a debt collector fails to provide proper validation or does not respond at all, the debt collector may not legally continue to pursue the debt. If collection activity continues the consumer may file a law suit in State or Federal Court for violation of the Fair Debts Collection Practices Act. On September 11, 2011 around 11:30am - 12noon an unknown male came to my residence and said he worked for my lender and that he had a lock out order, and that he thinks I should move! When I asked him for his name, his response was "I don't have one". (continues on attached page 1.)

When I asked whether or not he was law enforcement, He said "Yes" presented a sheriff badge on his belt and still refused to state his name. I went back into my house and locked all doors. I am unsure as to whether or not wells Fargo NA possesses the original debt instrument upon which wells Fargo Bank NA claims the right to foreclose. Plaintiff wants proof of such authority, and original debt instrument. Plaintiff request courts to intervene and prevent the foreclosure until such proof is presented.

V. Relief: State briefly and exactly what you want the Court to do for you.

Punish the defendants for outrageous
misconduct and to deter the defendant
and others from similar misbehavior
and un-ethical behavior.

VI. MONEY DAMAGES:

A) Do you claim either actual or punitive monetary damages for the acts alleged in this complaint?

YES ☒

NO ☐

B) If your answer to "A" is YES, state below the amount claimed and the reason or reasons you believe you are entitled to recover such money damages:

\$2.4 million dollars. Violation of Civil rights, human
rights, Bill of rights, violation of the Fair Debt Collection
Practices Act, mental wellbeing, Emotional distress, Defamation
retribution. The acts of the defendants I believe to be
intentionally maliciously, and or with utter disregard for
the rights and interest of the plaintiff.

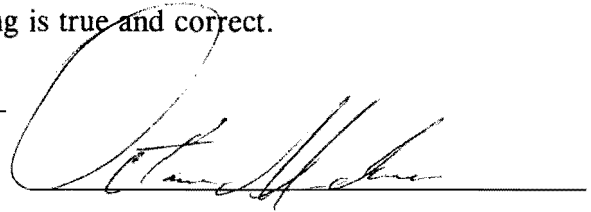
VII. Do you maintain that the wrongs alleged in the complaint are continuing to occur at the present time?

YES ☒

NO ☐

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 11 day of September, 2011



Signature of Plaintiff(s)